

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER LEE TYREE,

Plaintiff,

v.

Case No. 23-10168

JINDALE, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

/

ORDER ADOPTING
11/8/23 REPORT AND RECOMMENDATION (ECF NO. 28)

Plaintiff Christopher Lee Tyree (“Plaintiff”) filed this *pro se* civil rights action, pursuant to 42 U.S.C. § 1983, against several Defendants. This matter was referred to Magistrate Judge Kimberly Altman for all pretrial proceedings.

In a Report and Recommendation (“R&R”) issued on November 8, 2023, Magistrate Judge Altman recommends “that Brockway, Howard, and Thompson’s motion for summary judgment on the basis of exhaustion, (ECF No. 21), be DENIED and that Jindal’s motion to dismiss for failure to state a claim and alternatively motion for summary judgment on the basis of exhaustion, (ECF No. 24), be GRANTED. Further, Tyree’s Motion in Opposition to Brockway, Howard, and Thompson’s motion, (ECF No. 26), should be considered RESOLVED.” (*Id.* at 10). The R&R explains that, if these recommendations are adopted, Defendant Jindal will be dismissed without prejudice and the case will continue against Defendants Brockway, Howard, and Thompson. (*Id.*).

The time permitted for the parties to file objections to that Report and Recommendation

has passed and no objections were filed. Accordingly, the Court hereby **ADOPTS** the November 8, 2023 Report and Recommendation and **ORDERS** that: 1) Brockway, Howard, and Thompson's motion for summary judgment on the basis of exhaustion (ECF No. 21) is **DENIED**; 2) Jindal's motion to dismiss for failure to state a claim and alternatively motion for summary judgment on the basis of exhaustion (ECF No. 24) is **GRANTED** and Plaintiff's claims against Jindal are **DISMISSED WITHOUT PREJUDICE**; and 3) Plaintiff's Motion in Opposition to Brockway, Howard, and Thompson's motion (ECF No. 26) has been **RESOLVED**.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 13, 2023